

IN RE: PETITION FOR ZONING VARIANCE
N/W Corner Philadelphia Road
and Odell Avenue
(7302 Pulaski Highway)
15th Election District
7th Councilmanic District
Joseph Moskios
Petitioner

* BEFORE THE
* COUNTY BOARD
* OF
* APPEALS
* OF BALTIMORE COUNTY
* Case No. 88-527-A

OPINION AND ORDER

This matter comes before the Board upon the appeal by People's Counsel for Baltimore County from the Order of the Zoning Commissioner dated July 22, 1988, which granted the property owners and petitioner's request for a variance from Section 409 of the Baltimore County Zoning Regulations to permit 62 parking spaces in lieu of the required 126 spaces.

The Petitioner, Joseph Moskios, appeared and was represented by S. Eric DiNenna, Esquire. Also present was Paul Feeley, Esquire, attorney for the contract purchase of the subject property. Peter Max Zimmerman, Deputy People's Counsel also appeared.

The subject property is presently improved with a restaurant use called the Phil Mar Inn. Because of the property owner's desire to use the second floor as a meeting area, the above variance request is necessary. Pursuant to Exhibit 1, and the amended site plan dated January 23, 1989, as per discussion between the Petitioner and Traffic Engineering, a total of 126 spaces are required and 120 spaces are provided. Only 62 spaces provided are located within the Baltimore County boundary with

- 1 -

the remaining spaces being located within the Baltimore City limits as well as 22 spaces as lease parking.

Pursuant to the Zoning Commissioner's interpretation, the variance from the regulations would be necessary.

Evidence presented that pursuant to the August 4, 1988 memorandum from Stephen E. Weber, Assistant Traffic Engineer for Baltimore County to Phyllis Cole Friedman, People's Counsel, the Traffic Engineering Department indicated that it did not have any problem with the requested parking variance, but did desire certain barriers to be placed along Odell Avenue adjoining the property so as to avoid any parking and, to require continued use of the parking area west of Odell Avenue. By letter of January 31, 1989, after the submission of the plat dated January 23, 1989, Stephen E. Weber, in a letter addressed to counsel for the Petitioner, indicated his satisfaction with concrete parking bumpers to be placed along Odell Avenue.

Testimony presented on behalf of the Petitioner through proffer of counsel, indicated that within the strict enforcement of the Baltimore County Zoning Regulations, a practical hardship or unreasonable difficulty would be thrashed upon the property owner in the reasonable use of the property. A restaurant use has been on this property for an excess of 40 years and in actual fact, the property owner is providing most of the spaces required except six (6), some of the spaces provided being within the confines of Baltimore City. There is no other land available and the second story of this building should be used for a restaurant use.

- 2 -

Without reviewing the evidence further in detail, but based on all the evidence presented at the hearing, in the judgment of the Board, practical hardship and unreasonable difficulty does exist and the granting of the variance will not be detrimental to health, safety and general welfare of the Community.

THEREFORE, IT IS ORDERED this 16th day of February, 1989, by the County Board of Appeals that the Petition for Variance should be and is hereby granted, subject to the following:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) That the variance herein granted is conditioned upon the continued use and availability of the parking area on the west side of Odell Avenue as reflected on Petitioner Exhibit 1.
- 3) That a sign shall be conspicuously posted on the building indicating available parking across Odell Avenue and to the west.
- 4) That concrete parking bumpers be placed along Odell Avenue outside at the Baltimore County right-of-way as indicated on Petitioner Exhibit 1.
- 5) Subject generally to compliance with Exhibit 1, the amended site plan.

William T. Haskins
Harry E. Buchmeister, Jr.

- 3 -

IN RE: PETITION FOR ZONING VARIANCE
NW/Corner Philadelphia Road
and Odell Avenue
(7302 Pulaski Highway)
15th Election District
7th Councilmanic District
Joseph Moskios
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 88-527-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 62 parking spaces in lieu of the required 126 spaces, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition was Val Baresi, a registered professional engineer. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July, 1988 that the Petition for Zoning Variance

to permit 62 parking spaces in lieu of the required 126 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall comply with all requirements of the Baltimore County Fire Department, Fire Prevention Bureau, as set forth in their comments dated April 20, 1988.
- 3) Petitioner shall not sell any of the property reflected on Petitioner's Exhibit 1 as being located within the City limits which supports the variance granted herein without prior written approval of the Zoning Commissioner's Office. In the event such a sale should take place, the Petitioner, future property owner, and/or contract purchaser shall be required to reapply for another parking variance.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

July 22, 1988

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NW/Corner Philadelphia Road and Odell Avenue
(7302 Pulaski Highway)
15th Election District; 7th Councilmanic District
Case No. 88-527-A

Dear Mr. DiNenna:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

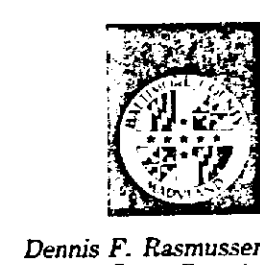
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
Enclosure
cc: People's Counsel

File



PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-527A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2 to permit 62 parking spaces in lieu of the required 126 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Existing Restaurant use to maintain existing second floor facilities.
2. Lack of Land to comply with Section 409.2.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____

Legal Owner(s): _____
Joseph Moskios
(Type or Print Name)
Signature: _____
(Type or Print Name)
Signature: _____

Attorney for Petitioner: _____
Eric DiNenna
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____

409 Washington Ave., Ste. 600
Towson, Maryland 21204
City and State: _____
Attorney's Telephone No.: 296-6820
Address: _____
Phone No. 6820

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of April, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 14th day of July, 1988, at 2:30 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Phone: 687-6922

FRANK S. LEE

Registered Land Surveyor

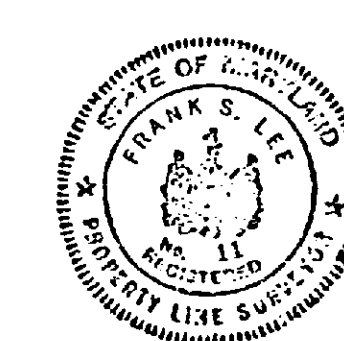
1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

January 27, 1983

Restaurant Lot
Northwest corner of Philadelphia Road and Odell Avenue
14th District Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the northwest side of Philadelphia Road with the northeast side of Odell Avenue, thence running and binding on the northeast side of Odell Avenue North 27 degrees 48 minutes 55 seconds West 209.68 feet, thence leaving Odell Avenue for two lines of division as follows: North 62 degrees 11 minutes 05 seconds East 173.68 feet and South 27 degrees 09 minutes 55 seconds East 173.47 feet to the northwest side of Philadelphia Road, and thence running and binding on the northwest side of Philadelphia Road South 50 degrees 13 minutes 05 seconds West 172.90 feet to the place of beginning.

Containing 0.58 acres of land more or less,



RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW Corner Philadelphia Rd. &
Odell Ave. (7302 Pulaski Hwy.) : OF BALTIMORE COUNTY
15th Election District
JOSEPH MOSKIOS, Petitioner : Case No. 88-527-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 31st day of May, 1988, a copy of the foregoing Entry of Appearance was mailed to S. Eric DiNenna, Esquire, 409 Washington Ave., Suite 600, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *15th* Date of Posting: *6/14/88*
Posted for: *Kovins*
Petitioner: *Joseph Moskios*
Location of property: *N.W. Corner Philadelphia Rd. & Odell Ave.*
7302 Pulaski Hwy.
Location of Sign: *Across the intersection of Phil. Rd. & Odell Ave.*
from the intersection of Phil. Rd. & Odell Ave.
Remarks: *None* Date of return: *6/14/88*
Posted by: *Phyllis Cole Friedman*
Number of Signs: *4*

88-527-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
13th day of April, 1988.

Petitioner: *Joseph Moskios* Received by: *James E. Dyer*
Petitioner's Attorney: *S. Eric DiNenna* Chairman, Zoning Plans
Zoning Commissioner Advisory Committee

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

May 11, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-527-A
N/W Corner Philadelphia Road and Odell Avenue
(7302 Pulaski Highway)
15th Election District - 7th Councilmanic District
Petitioner(s): Joseph Moskios
HEARING SCHEDULED: THURSDAY, JULY 7, 1988 at 4:30 a.m.

Variance to permit 32 parking spaces in lieu of the required 126 spaces.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 52717

DATE: *6/14/88* ACCOUNT: *88-527-A*

AMOUNT: \$ *91.10*

RECEIVED FROM: *Joseph Moskios*

FOR: *88-527-A*

VALIDATION OR SIGNATURE OF CASHIER

ng permit may be issued
Commissioner will, however,
said permit during this
writing and received in
presented at the hearing.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 21, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

S. Eric DiNenna, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: Item No. 368 - Case No. 88-527-A
Petitioner: Joseph Moskios
Petition for Zoning Variance

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: Val Barresi
2133 Rockwell Avenue
Baltimore, Maryland 21228

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW/Corner Philadelphia Rd.
and Odell Ave. (7302 Pulaski : OF BALTIMORE COUNTY
Hwy.), 15th Election District;
7th Councilmanic District :
JOSEPH MOSKIOS, Petitioner : Case No. 88-527-A

NOTICE OF APPEAL

Please note an appeal from the decision of the Zoning Commissioner in the above-captioned matter, under date of July 22, 1988, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 19th day of August, 1988, a copy of the foregoing Notice of Appeal was mailed to S. Eric DiNenna, Esquire, 409 Washington Ave., Suite 600, Towson, MD 21204.

RECEIVED ZONING OFFICE
DATE: *8-22-88*

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 24, 1988

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/Corner Philadelphia Road and Odell Avenue
(7302 Pulaski Highway)
15th Election District, 7th Councilmanic District
Joseph Moskios - Petitioner
Case No. 88-527-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 22, 1988 by Phyllis Cole Friedman and Peter Max Zimmerman of People's Counsel for Baltimore County. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: S. Eric DiNenna, DiNenna, Mann & Breschi
Suite 700, Mercantile-Towson Building
409 Washington Avenue, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Variance
NW/Corner Philadelphia Road and Odell Avenue
(7302 Pulaski Highway)
15th Election District - 7th Councilmanic District
JOSEPH MOSKIOS - Petitioner
Case No. 88-527-A

Petition for Variance

Description of Property

Certificate of Posting

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: Site Plan (Parking Layout) for The Phil Mar Inn

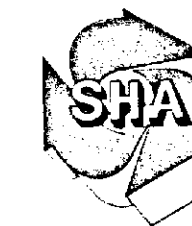
Zoning Commissioner's Order dated July 22, 1988 (Granted w/
restrictions)

Notice of Appeal received August 22, 1988 from People's Counsel

S. Eric DiNenna, DiNenna, Mann & Breschi
Suite 700, Mercantile-Towson Building
409 Washington Avenue, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

April 13, 1988

RE: Baltimore County
Phil Mar Inn
Zoning meeting 4/12/88
N/W/Corner of
Philadelphia Road
Maryland Route 7
and Odell Avenue
Item #368

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Dear Mr. Haines:

After reviewing the submittal of the Phil Mar Inn, the State Highway Administration-Bureau of Engineering Access Permits has the following comment.

We feel that this variance to permit 62 parking spaces in lieu of the required 126 spaces would result in an overflow of vehicles onto Philadelphia Road, and/or Pulaski Highway, and therefore, we recommend this variance be denied.

If you have any questions, please contact Larry Brocato of this office (333-1350).

Very truly yours,

Charles J. Mills, Jr.
Charles J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits

LB/es

cc: Val Barresi
J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3554

May 10, 1988



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 358, 359, 360, 361, 363, 364, 365, 366, 367 and 368.

Very truly yours,

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED
MAY 16 1988
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
FROM: P. David Fields, Director, Office of Planning and Zoning
SUBJECT: Zoning Petition #88-491-A, 88-527-A, 88-534-A,
Date: May 20, 1988

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. O. Howell
Zoning Office

RECEIVED
MAY 24 1988
ZONING OFFICE

cc: J. Eric DiNenna, Esq.
5/27/88

CP5-008

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Zoning Item # 368, Zoning Advisory Committee Meeting of April 12, 1988
Property Owner: Joseph Moskos
Location: NW/C Philadelphia Rd. and Odell Ave. District 14
Water Supply: Metro Sewage Disposal: Metro
Date: 4/13/88

- COMMENTS ARE AS FOLLOWS:
- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
 - () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
 - () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
 - () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
 - () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service plans, and type of equipment to be used for the food service operation must be submitted to the Health and Mental Hygiene for review and approval.
 - () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
 - () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
 - () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
 - () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
 - () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
 - () Soil percolation tests, have been conducted. The results are valid until () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
 - () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
 - () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
 - () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
 - () If submission of plans to the County Review Group is required, a hydrogeological study and an Environmental Effects Report must be submitted.
 - () Others

Karen M. Murray
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT



Court of Special Appeals
Courts of Appeal Building
Annapolis, Md. 21401-1699
(301) 874-3646
WASHINGTON AREA (301) 261-2920

S. ERIC DINENNA ESQUIRE
SUITE 600
409 WASHINGTON AVE.
TOWSON, MD 21204

Notice Date 12/19/88

Re: BABUSCI V. NINI

No. 909, September Term, 1988

Dear Counsel:

Argument in the above-referenced case has been set for 2/07/89, in Courtroom 1. Please report to this office no later than 9:00 a.m. on that date.

Very truly yours,
Leslie D. Gradet
LESLIE D. GRADET
CLERK

TTY FOR DEAF:
BALTO. ANNAPOLIS AREA (301) 874-3646
WASHINGTON AREA (301) 565-0450

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

April 20, 1988

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Joseph Moskos

Location: NW/C Philadelphia Rd. and Odell Avenue
Item No.: 368

Gentlemen:

Zoning Agenda: Meeting of 4/12/88

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John A. Hill* Noted and Approved: *John A. Hill*
Special Inspection Division
Fire Prevention Bureau
* #101 Life Safety Code, See Section 9-1.6 for minimum construction requirements
/j1 shall not be used for assembly purposes unless building is fully sprinklered.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

November 10, 1988
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-527-A

JOSEPH MOSKIOS

NW/cor. Philadelphia Rd. and Odell Ave.
(7302 Pulaski Highway)

15th E. District

Var.-To permit 62 pkg. spaces in lieu of the required 126 spaces.

7/23/88 - That the Petition for Variance is Granted subj. to restrictions.

TUESDAY, FEBRUARY 7, 1989, at 10 a.m.

ASSIGNED FOR:

cc: S. Eric DiNenna, Esq. Counsel for Petitioner
Joseph Moskos Petitioner
People's Counsel Appellant
P. David Fields Planning Office
Patrick Keller " "
J. Robert Haines Zoning Office
Ann. Nastarowicz " "
James Dyer " "
Docket Clerk " "

June Holmen, Secretary

DINENNA, MANN & BRESCHI

ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES I. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER
FRANCIS X. BORGERDING

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884

February 10, 1989

Mr. William Hackett, Chairman
County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Joseph Moskos/Petitioner
Case No. 88-527-A

Dear Mr. Hackett:

As per your request, enclosed herewith please find the proposed Opinion and Order concerning the above-captioned matter.

I ran the original draft passed Mr. Peter Zimmerman and certain changes have been made that are reflected in the enclosed Opinion and Order.

By copy of this letter I am also forwarding copies of this Opinion and Order to Mr. Zimmerman and Mr. Paul Feeley, Esquire, Counsel for the contract purchasers.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA

SED:cjc
cc: Peter Max Zimmerman, Esquire
Paul Feeley, Esq. re
Mr. Joseph Moskos
Enclosure

DINENNA, MANN & BRESCHI

ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES I. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

December 21, 1988

County Board of Appeals
County Office Building
Towson, Maryland 21204

RE: Case No.: 88-527-A
Northwest Corner of Philadelphia Road
and Odell Avenue

Mr. Chairman:

I see that the above-captioned matter is set for trial on February 7, 1989, at 10:00 a.m.

I have recently received a Notice from the Court of Special Appeals concerning Babusci v. Nini, Case No. 909, September Term, 1988, who has scheduled that matter before that Honorable Court on February 7, 1989, at 9:00 a.m.

Accordingly, I must respectfully request a postponement in accordance with the Maryland Rules of Procedure.

I am attempting to discuss this matter with People's Counsel to resolve same prior to a hearing.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA

SED:cjc
cc: Mr. Joseph Moskos
Peter M. Zimmerman

PD notice sent 11/21/88 K.

RECEIVED
12/23/88
4:35 am
C640

98 FEB 14 PM 2:10
STEVENS ADMIN. DIVISION

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 24, 1989



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/Corner Philadelphia Road and Odell Avenue
(7302 Pulaski Highway)
15th Election District, 7th Councilmanic District
Joseph Moskios - Petitioner
Case No. 88-527-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 22, 1988 by Phyllis Cole Friedman and Peter Max Zimmerman of People's Counsel for Baltimore County. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:ccr

Enclosures

cc: S. Eric DiNenna, DiNenna, Mann & Breschi
Suite 700, Mercantile-Towson Building
409 Washington Avenue, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

RE: PETITION FOR VARIANCE
NW/Corner Philadelphia Rd.
and Odell Ave. (7302 Pulaski
Hwy.), 15th Election District;
7th Councilmanic District
JOSEPH MOSKIOS, Petitioner : Case No. 88-527-A

NOTICE OF APPEAL

Please note an appeal from the decision of the Zoning Commissioner in the above-captioned matter, under date of July 22, 1988, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 19th day of August, 1988, a copy of the foregoing Notice of Appeal was mailed to S. Eric DiNenna, Esquire, 409 Washington Ave., Suite 600, Towson, MD 21204.

RECEIVED ZONING OFFICE
DATE: 8-22-88

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 405
Towson, Maryland 21204
(301) 887-3334

January 31, 1989

Mr. S. Eric DiNenna
DiNenna, Mann & Breschi
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: Zoning Case No. 88-527-A
(Item 368)

Dear Mr. DiNenna:

We are agreeable to concrete parking bumpers anchored into the ground parallel to and along the eastern right-of-way line of O'dell Avenue north of Pulaski Highway as shown on your site plan revised January 23, 1989. These bumpers would be in place of the planters previously shown.

Also, be advised that this Bureau will be posting "No Parking Anytime" signs on the east side of O'dell Avenue adjacent to the allow for adequate traffic flow.

Please call with any questions you might have.

Very truly yours,

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SED/Lvw

cc - Mr. Peter Zimmerman, People's Counsel
Mr. Pat Keller, Office of Planning & Zoning

DI NENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DI NENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

GERALDINE A. KLAIBER
FRANCIS K. BORGERDING

69 JAN 27 PM 12:05
SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

January 26, 1989

Chairman of the Board
County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 88-527-A
Moskios

Dear Mr. Chairman:

Enclosed herewith please find four copies of revised site plans concerning the above-captioned matter.

It is my understanding that this matter will be tried before this Honorable Court on Wednesday, February 8, 1989, at 9:30 a.m.

Thank you for your cooperation.

S. Eric DiNenna
S. ERIC DI NENNA

SED:cjc

Enclosure

cc: Peter Zimmerman, Esquire
Deputy People's Counsel
Paul J. Feeley, Esquire
Mr. Joseph Moskios

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1224
Posted for: Appeal
Petitioner: Joseph Moskios
Location of property: NW/Cor. Phila. Rd. & Odell Ave.
7302 Pulaski Hwy.
Location of Sign: Signs on both sides of Odell Ave.
Remarks: Petitioner's site plan
Posted by: [Signature]
Number of Signs: 1

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

February 16, 1989

Peter Max Zimmerman
Deputy People's Counsel
Room 304
County Office Building
Towson, Maryland 21204

Re: Case No. 88-527-A
Joseph Moskios

Dear Mr. Zimmerman:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals for Baltimore County in the subject case.

Sincerely,

Linda M. Kuzmaul
Linda M. Kuzmaul
Legal Secretary

Enclosure

cc: S. Eric DiNenna, Esquire
Mr. Joseph Moskios
Paul Feeley, Esquire
P. David Fields
Patrick Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk
Arnold Jablon, Esquire

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

HEARING ROOM -
Room 301, County Office Building

January 25, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-527-A
JOSEPH MOSKIOS
NW/Cor Philadelphia Road and Odell Avenue
(7302 Pulaski Highway)
15th Election District
7th Councilmanic District
VAR -to permit 62 parking spaces in lieu of required 126 spaces
7/22/88 -Z.C.'s order; that the Petition for Variance is granted subject to restrictions.

ASSIGNED FOR: WEDNESDAY, FEBRUARY 8, 1989 at 9:30 a.m.

cc: S. Eric DiNenna, Esquire
Joseph Moskios
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

HEARING ROOM -
Room 301, County Office Building

January 12, 1989

NOTICE OF POSTPONEMENT

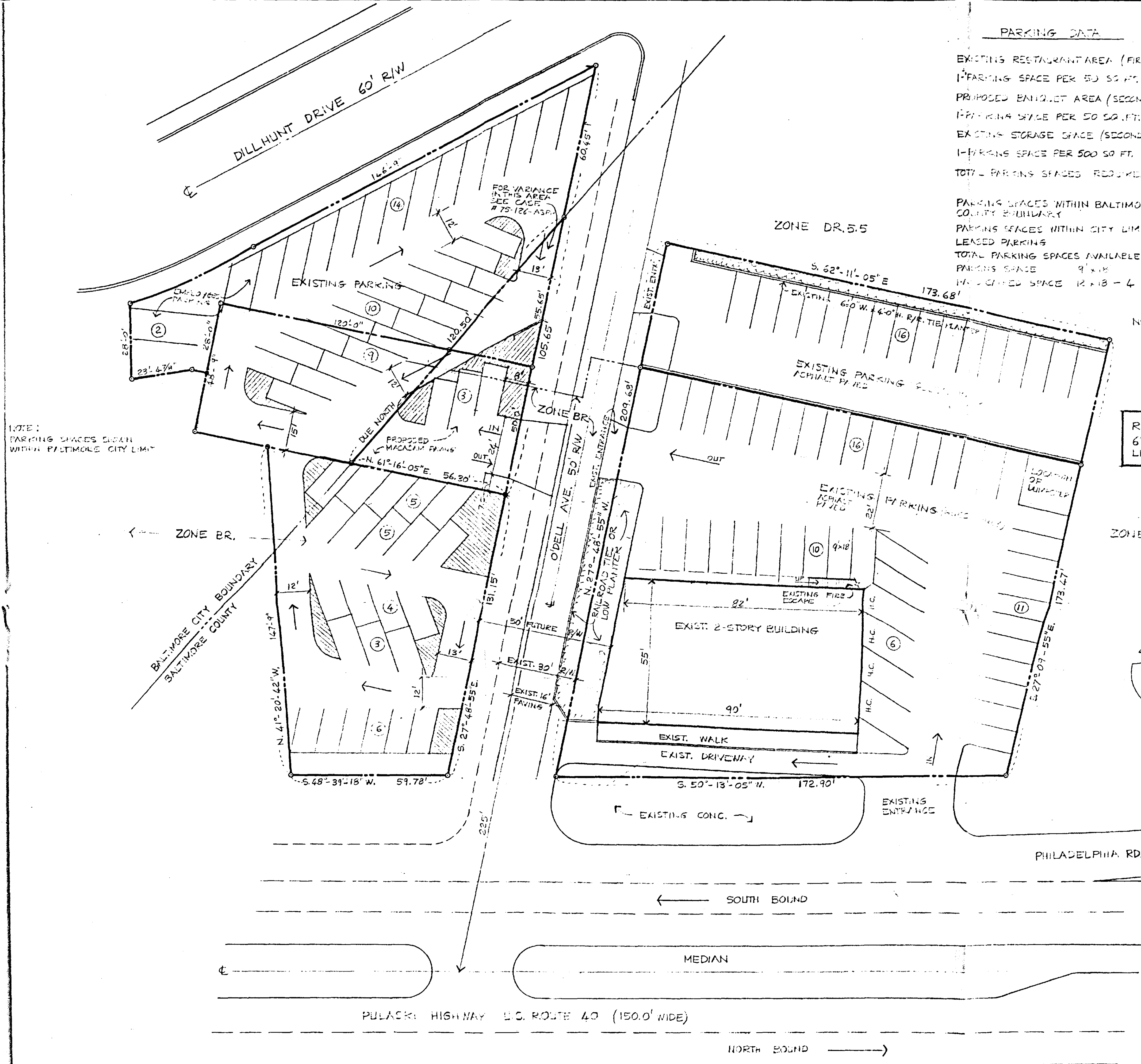
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-527-A
JOSEPH MOSKIOS
NW/Cor Philadelphia Road and Odell Avenue
(7302 Pulaski Highway)
15th Election District
7th Councilmanic District
VAR -to permit 62 parking spaces in lieu of required 126 spaces
7/22/88 -Z.C.'s order; that the Petition for Variance is granted subject to restrictions.

which had been scheduled for hearing on Tuesday, February 7, 1989 has been POSTPONED at the request of Counsel for Petitioner due to scheduling conflict (Court of Special Appeals); pending possible resolution, case will be reset for hearing upon notification by Counsel to do so.

cc: S. Eric DiNenna, Esquire
Joseph Moskios
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary



PARKING DATA

EXISTING RESTAURANT AREA (FIRST FLOOR, 4,735 SQ. FT.)	
1-PARKING SPACE PER 50 SQ. FT. REQUIRED	93 SPACES
PROPOSED ENTRANCE AREA (SECOND FLOOR, 1,200 SQ. FT.)	
1-PARKING SPACE PER 50 SQ. FT. REQUIRED	24 SPACES
EXISTING STORAGE SPACE (SECOND FLOOR, 3,535 SQ. FT.)	
1-PARKING SPACE PER 500 SQ. FT. REQUIRED	7 SPACES
TOTAL PARKING SPACES REQUIRED	126 SPACES
PARKING SPACES WITHIN BALTIMORE COUNTY BOUNDARY	62 SPACES
PARKING SPACES WITHIN CITY LIMIT	36 SPACES
LEASED PARKING	22 SPACES
TOTAL PARKING SPACES AVAILABLE	120 SPACES
PARKING SPACE 9' x 18'	
MIN. CIRCLED SPACE 12' x 18' - 4	

NOTE: THE ABOVE CALCULATION INCLUDED PARKING OUTSIDE BALTIMORE COUNTY BOUNDARY

REQUEST VARIANCE FOR 62 PARKING SPACES IN LIEU OF 126 PARKING SPACES

Scale 1"=20'

Sheet No. S-1

Val Barresi

2133 ROCKWELL AVE.

BALTIMORE MD. 21228

TEL. 301-744-6249

DATE MAY-27-85

REV. OCT. 11-1985

REV. FEB. 26-1986

DESIGNED BY

DATE

REV.

PARKING LAYOUT FOR: VARIANCE

THE PHIL MAR-INN

7302 PULASKI HIGHWAY

BALTIMORE COUNTY, MARYLAND

SPACE FOR APPROVAL

PETITIONER'S EXHIBIT 1

#368